

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSHUA SHUMAN, a minor by and
through his mother and natural guardian
TERESA SHERTZER, and **TERESA**
SHERTZER, individually

Plaintiffs

v.

PENN MANOR SCHOOL DISTRICT,
PENN MANOR SCHOOL BOARD,
C. WILLIS HERR,
RICHARD L. FRERICHS,
JEFFERY E. LYON,
PATRICK T. KLINE,
DONALD H. ANDERSON,
H. THOMAS HERR,
KELLY K. WITHUM,
DONNA WERT,
JEFFREY G. KREIDER,
DOLORES WARFEL, and
STEVE SKROCKI, each individually and
as members/officers of the Penn Manor
School Board,
AND
GARY B. CAMPBELL, individually and as
Superintendent of the Penn Manor
School District,
AND
DONALD STEWART, individually and as
Acting Superintendent of the Penn Manor
School District
AND
JANICE M. MINDISH, individually and as
Principal of Penn Manor High School,
AND
BRIAN D. BADDICK, individually and as
Assistant Principal of Penn Manor High
School,
AND
PHILIP B. GALE, individually and as Dean
of Students of Penn Manor High School,
AND
CAROLE FAY, individually and as a teacher
and Agriculture Coordinator at Penn Manor
High School

Defendants

CIVIL ACTION NO. 02-CV-3594

(TUCKER)

ORDER

AND NOW, this day of , 2002, after consideration of the Motion to Dismiss of Defendants, and Brief in Support and any responses thereto, it is hereby ORDERED and DIRECTED that **1)** all constitutional claims asserted by Teresa Shertzer individually; **2)** all constitutional claims against all the individual Defendants in their official capacities and the Penn Manor School Board; **3)** all constitutional claims against Carole Fay; **4)** all constitutional claims against Gary B. Campbell and Donald Stewart in their personal capacities; **5)** Count I with regard to any First Amendment Violation; **6)** Count III **7)** Count VIII against the District, the Board, Gary B. Campbell, and Donald Stewart; **8)** Count VIII by Teresa Shertzer against Brian Baddick **9)** All state law tort claims asserted against Carole Fay **10)** Count IX; **11)** Count X; and **12)** Count XI with regard to the District, the Board, and the individually named Defendants in their official capacities, be dismissed.

BY THE COURT:

Judge Tucker